

The Honorable Robert S Lasnik

JAMES MCDONALD
14840 119th PL NE
Kirkland, WA 98034
Phone (425) 210-0614
In Pro Per

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re:)	NO.: C10-1952RSL
)	
JAMES MCDONALD)	
Plaintiff)	
v)	Ex Parte Motion to Enforce
ONEWEST BANK, FSB, <i>et al.</i> ,)	Court Order on Preliminary
Defendants.)	Injunction

TO: CLERK OF THE U.S. DISTRICT COURT
HEIDI E. BUCK, Attorney for Defendants

COMES NOW Plaintiff James McDonald to submit this Ex Parte Motion to Enforce the Court's Order and ruling on granting the Temporary Restraining Order and Preliminary Injunction.

Plaintiff has performed as ordered by the Court by paying into the Court Registry the required amount on or before the 15th of the Month.

On or about February 1, 2011 Plaintiff received a Notice of Postponement from Defendant Northwest Trustee Services with a postponement date of February 18, 2011. (EXHIBIT 1)

Defendant Northwest Trustee Services has NOT complied with the Courts order for all foreclosure activities to be halted. They merely postponed the auction until Friday, February 18, 2011. Plaintiff verified on the foreclosure website Northwest Trustee utilizes to publicize their auctions and as of the date this Motion is submitted the auction has not been cancelled (EXHIBIT 2). Plaintiff has waited to file this Ex Parte Motion to give them time to cancel the sale but as of the date of filing they have not.

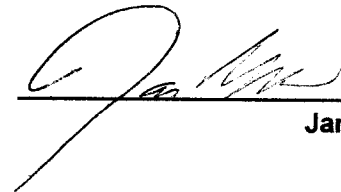
Defendant Northwest has not halted its activities as required by the Court and instead has an active foreclosure listed and scheduled. Not only is this against Court order but it causes undue stress and harassment for the Plaintiff. The Plaintiff had an individual show up at his residence asking to see the house in case he wanted to bid on it. While Northwest Trustee cannot control unrelated people's actions by them listing the property as an active foreclosure they are opening the doors for people to harass the Plaintiff.

Wherefore the Plaintiff moves the Court for the following:

1. To order Defendant Northwest Trustee to CANCEL the foreclosure auction as there is no reason to believe this lawsuit will turn in the defendants' favor before the 120 day maximum extension has expired as per RCW 61.24 et seq. In the unlikely event Defendants prevail in the end this will simply allow their time requirements for initiating a new foreclosure auction to commence much sooner so is to their benefit as well.
2. To order sanctions against Defendant Northwest Trustee in the sum of \$7,500 or whatever amount the Court deems proper to be paid to the Plaintiff for violating the Court Order on the Temporary Restraining Order and Preliminary Injunction.

Proposed Order is attached.

Dated: February 15, 2011



James McDonald
Pro Se

EXHIBIT 1

Notice of Postponement

Northwest Trustee Services Inc.
PO Box 997
Bellevue, WA 98009-0997



M1242039
7523.21352 M VM
WAPostponement

US POSTAGE
FIRST-CLASS MAIL

\$0.44⁰



ZIP 98006 1/31/2011 HASLER

019H13101151

001533
JAMES B. MCDONALD
14840 119TH PLACE NORTHEAST
KIRKLAND WA 98034



Northwest Trustee Services, Inc.
PO Box 997
Bellevue, WA 98009-997

Notice of Postponement
Required under RCW 61.24.040(6)(a)

Please be advised that:

The Trustee's Sale under that certain Deed of Trust in which James B. McDonald, a single man, as grantor Mortgage Electronic Registration Systems, Inc., is Beneficiary, dated 01/08/2007, and recorded on 01/10/2007 under King County Auditor's File No. 20070110002077, has been postponed from 01/28/2011 to 02/18/2011 at 10:00 a.m. at The northwest corner of the ground level parking area located under the Pacific Corporate Center building, 13555 SE 36th Street, Bellevue.

The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Date: January 28, 2011

Mailed by or on behalf of
Northwest Trustee Services, Inc.,
Trustee

File No: 7523.21352
Client: OneWest Bank, FSB
Borrower: McDONALD, JAMES B.



EXHIBIT 2 FORECLOSURE WEBSITE



Home

Foreclosure Properties for ZIP Code 98034 (filtered by sale date)

Displaying foreclosure properties 1 - 10 of the 14 found.

Filter the Results:

Map of Properties 1 - 10:

Filter the results by city:

Select city (optional)

Filter the results by ZIP code:

Select ZIP code (optional)

Filter the results by current sale date:

02/18/2011

Clear

Loading map...

☐ Show only active sales

Show only Hot Properties

Show only listings with minimum bid



Show only Commercial properties

Close

View Full Screen

More results:

1 2

	Trustee Number	Property Address	City	State	Zipcode	Status	Original Sale Date	Previous Postponed Date	Current Sale Date
	12054-1001	12054 100th Pl NW, Kirkland, WA	Kirkland	WA	98034	Active	11/19/2010	01/14/2011	02/18/2011
	12054-1002	12054 100th Pl NW, Kirkland, WA	Kirkland	WA	98034	Active	12/10/2010	01/28/2011	02/18/2011

	727-1-485	12442 1st Avenue NW, 10000	Kirkland WA 98034	Garage	02/18/2011		02/18/2011
	727-1-486	12442 1st Avenue NW, 10000	Kirkland WA 98034	Garage	10/22/2010	01/21/2011	02/18/2011
	727-1-487	12442 1st Avenue NW, 10000	Kirkland WA 98034	Garage	10/29/2010	01/07/2011	02/18/2011
	727-1-488	12442 1st Avenue NW, 10000	Kirkland WA 98034	Garage	11/05/2010	01/14/2011	02/18/2011
	727-1-489	12442 1st Avenue NW, 10000	Kirkland WA 98034	Garage	12/10/2010	01/14/2011	02/18/2011
	727-1-490	12442 1st Avenue NW, 10000	Kirkland WA 98034	Garage	12/17/2010	12/17/2010	02/18/2011
	727-1-491	12442 1st Avenue NW, 10000	Kirkland WA 98034	Garage	01/14/2011	01/14/2011	02/18/2011
	727-1-492	12442 1st Avenue NW, 10000	Kirkland WA 98034	Garage	01/14/2011	02/18/2011	03/25/2011

No curbside photos available yet

More results:
1 2

Number of records to display per page: 10

[View more properties](#)

-  Hot Property
-  Listing contains minimum bid amount
-  In your Favorite Properties list (must be logged in)
-  You are receiving e-mail updates (must be logged in)

JAMES MCDONALD
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Kirkland, WA 98034
Phone (425) 210-0614
In Pro Per

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In Re:)	NO.: C10-1952RSL
)	
JAMES MCDONALD)	
Plaintiff)	
v)	ORDER GRANTING PLAINTIFF'S MOTION
ONEWEST BANK, FSB, <i>et al.</i> ,)	FOR TEMPORARY RESTRAINING ORDER
Defendants.)	AND PRELIMINARY INJUNCTION
)	

This matter came before the Court upon James McDonald's (PLAINTIFF)'s ex parte motion to enforce court order regarding the preliminary injunction and temporary restraining order. The Court considered the motion and any opposition thereto and the matters on record. It appears for the reasons stated in the motion that the temporary restraining order and preliminary injunction should be granted until such a time that the Court renders a final judgment.

IT IS THEREFORE ORDERED that:

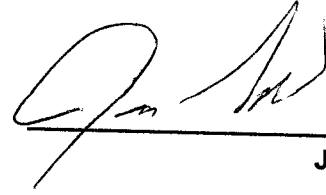
1. To order Defendant Northwest Trustee to CANCEL the foreclosure auction as there is no reason to believe this lawsuit will turn in the defendants' favor before the 120 day maximum extension has expired as per RCW 61.24 et seq. In the unlikely event Defendants prevail in the end this will simply allow their time requirements for initiating a new foreclosure auction to commence much sooner so is to their benefit as well.
2. To order sanctions against Defendant Northwest Trustee in the sum of \$7,500 or whatever amount the Court deems proper to be paid to the Plaintiff for violating the Court Order on the Temporary Restraining Order and Preliminary Injunction.

It is further ordered that the order shall be effective immediately and the order shall be effective as to any chapter under which the present case may be converted absent further order of this Court.

Dated this ____ day of _____, 20__

Robert S. Lasnik, United States District Judge

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2 **Presented by:**
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James McDonald
Pro Se

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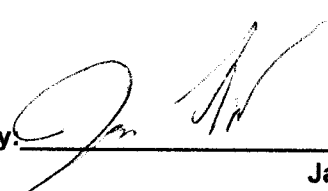
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7
8 In Re:) NO.: C10-1952RSL
9)
10 JAMES MCDONALD)
Plaintiff) Declaration of Service
11 v)
ONEWEST BANK, FSB, *et al.*,)
Defendants.)
12)

13
14 CERTIFICATE OF Service

15 I hereby certify under penalty of perjury of the laws of the State of Washington that I
16 electronically sent a true and correct copy of the Plaintiffs Ex Parte Motion to Enforce Court Order,
17 by James McDonald, on the 14 day of February, 2011 to the parties listed below.

18 DATED this 1 day of February, 2011.

19
20 By:  _____
21 James McDonald
22 Pro Se

23
24 Routh Crabtree Olsen, P.S.
25 13555 SE 36th St, Suite 300
26 Bellevue, WA 98006
27

28 Certificate of Service

-1-

James McDonald

14840 119th PL NE, Kirkland, WA 98034

Phone: (425) 210-0614